HR Weekly Podcast
6-20-2014

Today is June 20, 2014, and welcome to the HR weekly podcast from the State Human Resources Division. Today's topic concerns the United States Supreme Court ruling upholding a Michigan constitutional amendment that banned affirmative action in admissions to state universities.

In 2003, the Court ruled against the University of Michigan's undergraduate admissions process which permitted a point system including race to guide admissions. During the same year, the Court, in the *Grutter v. Bollinger* case, upheld the law school's more limited consideration of an applicant's race.

In response to the decision in *Grutter v. Bollinger*, the Michigan Civil Rights Initiative, also called Proposal 2, was a ballot initiative that passed on November 7, 2006. Proposal 2, approved by 58% of Michigan's voters, amended the State Constitution prohibiting discrimination or preferential treatment in public education, government contracting, and public employment. Civil rights groups argued that the amendment imposed burdens on racial minorities which violated the United States Constitution's guarantee of equal protection. The Sixth Circuit Court of Appeals ruled, by an 8 to 7 vote, that the Michigan initiative violated the federal Constitution's equal protection clause. This ruling prompted the state to appeal to the United States Supreme Court in the case of *Schuette v. Coalition to Defend Affirmative Action.*

In April 2014, the Court, in a 6 to 2 vote, upheld the Michigan constitutional amendment that bans affirmative action in the state's public universities admissions. This ruling effectively endorsed similar measures in seven other states. The other states with similar bans are Arizona, California, Florida, Nebraska, New Hampshire, Oklahoma, and Washington.

The justices issued five separate opinions with conflicting views. Justice Anthony M. Kennedy indicated in his opinion: "[T]his case is not about how the debate about racial preferences should be resolved." "It is about who may resolve it. There is no authority in the Constitution of the United States or in this court's precedents for the judiciary to set aside Michigan laws that commit this policy determination to the voters." Justice Sonia Sotomayor, in her dissenting opinion, wrote: "[T]he one and only policy a Michigan citizen may not seek through this long-established process is a race-sensitive admissions policy." That difference, Justice Sotomayor said, violates the federal Constitution's equal protection clause.

If you have a question about this topic, please contact your HR Consultant at 803-896-5300. Thank you.